North Central Regional Transit District
Board Meeting
Friday, June 5, 2009

1. CALL TO ORDER:

A regular monthly meeting of the North Central Regional Transit District Board was called to order on the above date at approximately 9:18 a.m. by Chairman Alfred Herrera at the Los Alamos National Laboratory Foundation, 1112 Plaza del Norte, Española, New Mexico 87532.

a. PLEDGE OF ALLEGIANCE

b. MOMENT OF SILENCE

c. ROLL CALL

Roll call indicated the presence of a quorum as follows:

Members Present:

City of Española Councilor Alfred Herrera, Chairman
Los Alamos County Mr. Tony Mortillaro
Rio Arriba County
Pojoaque Pueblo
San Ildefonso Pueblo
Ohkay Owingeh Mr. Robb Lieb.
Santa Clara Pueblo Ms. Marry Lou Quintana
City of Santa Fe Councilor Rosemary Romero, Mr. Mike Kelly
Santa Fe County Commissioner Liz Stefanics
Tesuque Pueblo
Taos County Mr. Sammy Pacheco

Members Excused

Staff Members Present

Ms. Josette Lucero, Executive Director

Ms. Linda Trujillo, Regional Coordinator
Mr. Jack Valencia, Transit Project Manager
Mr. Ivan Guillen, Assistant Regional Coordinator
Ms. Cynthia Altheyab, Executive Assistant
Mr. Peter Dwyer, NCRTD Legal Counsel
Ms. Marjorie Kaplan, Financial Director
Mr. Mike Molina, NCRTD Driver

Others Present

Commissioner Charlie Gonzales
Ms. Lucille Gonzales
Mr. Greg White, NMDOT
Mr. Carl Moore
Ms. Jessie Lawrence

d. INTRODUCTIONS

Those present introduced themselves.

e. APPROVAL OF AGENDA

Commissioner Stefanics suggested including in the agenda Matters from the Board similar to Matters from the Public.

Chair Herrera noted that as part of the closed session, they would have a tour of the property and transportation would be available. He also announced the recognition of Commissioner Charlie Gonzales, Taos County from the NCRTD Board would be a part of the agenda.

Commissioner Stefanics moved to approve the agenda as presented. Councilor Romero seconded the motion and it passed by unanimous voice vote.

f. APPROVAL OF BOARD MEETING MINUTES, May 1, 2009

Commissioner Stefanics moved to approve the minutes of May 1, 2009 as presented. Councilor Romero seconded the motion and it passed by unanimous voice vote.

g. PUBLIC COMMENTS REGARDING TRANSPORTATION ITEMS OR ISSUES

Chair Herrera suggested that Matters from the Board was not specifically identified in the agenda and was appropriate for Board members to make comments at that time.

Commissioner Stefanics asked for clarification when a quorum was declared and asked if it was based on the number of people present or the number of votes.
Ms. Lucero said the quorum was based on votes that could be cast. There were six members present and a majority of voting units present, so it was both.
Commissioner Stefanics asked about the process for the Board in terms of offices held.
Ms. Lucero explained that at the July meeting there would be an election of the Vice Chair for the Board. She added that a replacement through next April for Commissioner Gonzales had been made by the Taos County Commission.
Commissioner Stefanics asked if the Governor appointed the replacement.
Ms. Lucero said the Commission had recommended that Commissioner Dan Barrone be the representative from Taos County to the Board; not necessarily as a replacement for Commissioner Gonzales.
Councilor Romero said she understood that the Governor, in coordination with Taos County, would make the appointment and Commissioner Barrone would be the appointee.

2. APPROVAL ACTION ITEMS:

b. Awards Presentation – NMPTA 2009 Expo Competition Winners (Revised agenda Order)

Ms. Lucero announced that Michael Molina won the statewide van competition in Albuquerque. He was first hired in November 2005 and was the rodeo runner-up in 2006 and won first place in 2009. He was a certified trainer and had been married for 32 years. His supervisor described Mr. Molina as a responsible, good employee who was always willing to share his knowledge and someone who followed through on all his assignments.
Mr. Molina was presented with the award from the NMPTA 2009 Rodeo.
Mr. Valencia announced that Mr. Molina finished seventh in the national competition.
Ms. Lucero announced that Sonia López won first place for the Statewide Bus Driving Competition. She had started as a bus driver in 2005 with Santa Fe Trails.
Mr. Mike Kelly accepted the award for Ms. López who was not present.

c. Approval of Resolution 2009-07 Requiring Review and Coordination of Members' Local Service Plans and Accountability for All NCRTD Funds Distributed to NCRTD Members

Ms. Lucero explained there were two resolutions merged into this resolution and the Finance

Committee recommended the resolution come to the Board.
Councilor Romero felt the process worked better for resolutions to be brought forward and was pleased to see the vetting process occur. Her expectation was that edits would be minimal.
Mr. Mortillaro referred to the top of page two regarding the overall transportation policy within the area. He was concerned about the second “whereas” statement and the way the sentence read. He asked if the resolution was contrary to the previous action taken on the budget and said the approved budget agreed to use the Los Alamos GRT as part of the match and the amount not covered would be taken from NCRTD GRT revenues. He questioned whether this resolution would conflict with that.
Commissioner Stefanics moved to strike the second “whereas” statement on page two, from the resolution. Councilor Romero seconded the motion for discussion.
Councilor Romero asked if this change would affect the overall resolution.
Mr. Dwyer said it would not.
The motion passed by unanimous voice vote.
Commissioner Stefanics moved to approve Resolution 2009-07 as amended. Councilor Romero seconded the motion.
Ms. Lucero noted that both committees worked on the resolution and had spent a lot of time on the replacement revenue language. She asked if the resolution without the whereas statement meant that certain entities could use the money for replacement of current general funds for services.
Mr. Dwyer explained the *whereas* statements within a resolution were a guide and the resolution itself was the text that followed the “therefore” statement. He said if that deletion was understood by anyone to have changed the resolution itself, then that should be discussed.
He understood the tax revenue was to be used for new services and wouldn’t be used to replace revenue for existing services. He added that this resolution might last several years and the services in FY 2012 might be the same services as in FY 2011 so the point was “pre RTD - post RTD, not a given fiscal year.”
Commissioner Stefanics agreed the *whereas* statement was a guide but said the issue was in the first paragraph on the second to last line and might still create a concern to Los Alamos County.
Mr. Mortillaro said the question of the GRT being used for member contributions was contrary to the previous actions taken by the board.
Mr. Dwyer said it was not a question of legality but a matter of being faithful to the tax payers because of the assertions that were made during the election about how these taxes would be expended. If the Board believed they were being forthright about their allocation of the tax revenues and was in accord with

the campaign promises made to the tax payers, then it would be fine.
Commissioner Stefanics said that was not the legal issue and asked if the formal action that had been taken and this action were contrary to another action that was taken.
Mr. Dwyer said he was not clear how that could be considered contrary.
Commissioner Stefanics said they passed the budget to replace revenue funds and the GRT was needed to help with the local matches.
Mr. Mortillaro agreed they had taken action on the budget for this year and thought they could put in an exception for that purpose and it would apply to future budget allocations.
Mr. Dwyer said they could add a clause that it would take precedence over prior actions of the board to the contrary.
Chair Herrera said even though it was replacement revenue, it had to be for member services. He was not sure that was the same as saying GRT would be used for local match. They hadn't wanted to supplant services but to supplement services and said he thought it wasn't contrary to prior actions.
Mr. Mortillaro said he would agree if the language had "and" inserted. It should say ".... replacement revenue stream and..." It should make clear this board's policy was allowed and not leave it to interpretation.
Chair Herrera said they could say "except for funds used for member contributions" and thought that should work.
Mr. Mortillaro suggested they let Mr. Dwyer provide the needed language.
Chair Herrera said the issue of the GRT being used for local match was for the first year only and the board would address that next year in its normal budget process.
Mr. Mortillaro also understood the intent was for one year.
Councilor Romero said she was comfortable with a sunset clause because this had been an unusual year and she was more comfortable with an exception that had a time limit.
She asked the board to look at the *whereas* directly above and said the sentence started "with the understanding that *collections..."* and asked if that should say distributions. The board agreed it should. She clarified that the change that had been made was to strike the "w*hereas the electorate."*
The *w*hereas *of distributions was correct.*
Mr. Dwyer said the deletion of the *whereas* could be done and wouldn't change the effect of the resolution but had helped to clarify paragraph 1 and 2 and was important because it stated the intention of

the board to remain true to the principles put forward at the time of the GRT elections.
Mr. Dwyer suggested the semicolon and strike *“and”* and insert *“except that funds may be used for local matches for the 2009-2010 FY; and…”*
Commissioner Stefanics and Councilor Romero agreed.
Mr. Mortillaro said the on page two, expansion service was said to start July 1 and the money wasn’t there to start until October; the budget was based on a three-quarter year collection.
Ms. Lucero the Finance Subcommittee had talked about the date and discussed services that began even prior to July 1 and said the funds would be used for Atomic City, RTD, the G line-which started in April.
Ms. Kaplan said when the budget numbers were developed they took three quarters of the anticipated annual GRT collection because of the delay and had the understanding that money would only be received for 9 of the 12 months. She assumed the money could be spent throughout the 12 month period using revolving funds and would only have to budget three quarters of the year of money coming in and the money could be spread evenly throughout the year.
Mr. Mortillaro asked if hadn’t thought 100% of the collections would be received.
Ms. Kaplan said she understood that a conservative amount had been estimated. That was 35% off the top, basically and that by June 30, 2010 all of that money would have been received.
Mr. Mortillaro said he didn't see how a revolving fund would be reimbursed if they were spending 12 months of revenue and only three quarters of the year was collected.
Ms. Lucero asked to go back to the *whereas*; she asked if Mr. Mortillaro would want to start October 1.
He said it was true collections started July 1, whether services started would be a decision that would be made based on the budget.
Chair Herrera said there were two things at play; service and when the funds were collected and distributed. He had mixed feelings about a date being put in because services would have to be paid for that had been in existence prior to July 1. Theoretically businesses would collect the tax starting July first and how the tax was distributed wouldn't take place until October and those were two different things.
He said the October date was a true statement and could be left in and number 1 would drive what the funds were used for and the expansion of service to start July 1 was a moot point. He suggested they get rid of the July 1 date.
Ms. Romero liked his suggestion and asked if an MOU was needed separately or if it could be included.

Mr. Dwyer suggested on the MOU they refrain from entering a contract unless necessary. He said he had prepared a policy on how the funds would be distributed and contracts would be managed and would be a simple process of invoice and reimbursement. He said if the budget was approved and the plan was approved and this was a regional service, an invoice that was sent to the RTD should be enough.
Ms. Romero suggested if an MOU wasn't necessary that something should indicate that.
Mr. Dwyer said it would be done in a separate policy about how the district would send the money. He said it was generally accepted that money was sent on a reimbursement basis and instead of having contracts with members, members would send invoices; the RTD would review them and pay the money.
Commissioner Stefanics asked on what agreement the invoices would be reimbursed.
Mr. Dwyer said it would be based on the budget and the approved plans and the money should show as available and the plans should demonstrate their regional quality of the item being paid for.
Commissioner Stefanics asked about the legality of not having a paper trail of an agreement. She said if her service plan indicated the RTD would do a portion and not the total service plan, there would be nothing written or signed that had sealed the deal.
Mr. Dwyer said that plan under the resolution would come to the RTD for approval and would show that a portion was to be paid and her plan would make the case for the regional component and the budget of the RTD would show the money for those things.
He said with so many members he advised not to have a proliferation of MOU's and MOA's.
Commissioner Stefanics asked if this was being proposed for the future.
Mr. Dwyer said this was a current item in the sense that the resolution said the plans would be brought to the RTD to be approved. In order for the board to disperse funds it would need to determine the criteria was met.
Commissioner Stefanics said the issue of the MOU wasn't in the resolution and she would feel more comfortable if she took that to Purchasing and the county attorney because it would be a future discussion.
Mr. Dwyer said he was the attorney representing the RTD and this would be an RTD policy and the counties and cities had no say in that.
Commissioner Stefanics said the counties and cities would have say in how they did business.
Mr. Dwyer said they would do business the same way as RTD.
Commissioner Stefanics said as a courtesy she would take that to her attorney and ask their opinion on the issue of MOU's for the future; she had no problem with that right now.
Chair Herrera suggested that unless the July 1 date was extremely critical the date should be

eliminated because the service plan would drive the services that would be provided for the future.
Councilor Romero asked Commissioner Stefanics if the service plan wasn't a contract and that could be taken to her attorney and wouldn't have to go in the direction of an MOU.
Mr. Dwyer was concerned and wouldn't agree that the RTD should get legal advice from anyone except himself. He was the attorney for the RTD and would give them good advice and would hope the board would trust that advice. He thought it wasn't necessary to ask other attorneys, who didn't represent the RTD's interest and said his role was to be the attorney for the board and ultimately other attorneys should not be giving legal advice to the RTD.
Commissioner Stefanics said she hadn't suggested that. She said it wasn't appropriate for him to tell the county how to do business. She said she understood he was the attorney for the RTD and said she would need to go back to her attorney to discuss how to vote on things.
She said she represented Santa Fe County and was a *member* of the RTD Board but she represented the County.
Mr. Dwyer apologized if he had been adversarial and said he wouldn't debate his opinions with other attorneys.
Chair Herrera asked if everyone was comfortable with the deletion of the July 1st date and the amendments to the resolution.
The amended resolution passed by majority voice vote. Mr. Lieb abstained from voting.
a. Recognition of Commissioner Charlie Gonzales of Taos County for his service to the NCRTD Board (Revised Agenda Order**)**
Chair Herrera said he wanted to recognize personally and on behalf of the board, Mr. Gonzales's work and all that he had done had been incredible and all of his work was appreciated and was a pleasure to have worked with him. He said he had moved the organization forward and planted the seed for the organization to continue to grow.
Ms. Lucero presented Mr. Gonzales with a plaque and thanked him for serving on the RTD board on behalf of Taos County and said he would be missed and asked him to stay in touch.
Mr. Gonzales said he was honored but sad for a couple of reasons; his colleagues weren't there and his health had become more important. He said he had recommended a Commissioner to replace him and said he was a go-getter and a hard worker. The time had been a lot of fun to serve and said this was all about the services and every county and constituent had made sacrifices and he would be around and had enjoyed being a part of the RTD. He asked who would have thought Taos County would have a bus service and he was proud of that and hoped there would be a healing process.

Ms. Romero said that at the Interstate Committee he was honored for his leadership and he had done an incredible job and she wished him good health. She looked to him as one of the best mentors and leaders and said he had been a great model and she thanked him.

d**. Approval of Resolution 2009-08 Open Meetings Act Amended to Include Paragraph 8, Participating In a Meeting by Telephone-**

Ms. Lucero said at the last meeting Taos County suggested a paragraph be added to allow meeting by phone and had been added on page 3, paragraph 8 to allow that and would amend the Open Meetings Act Resolution.

Councilor Romero moved to approve Resolution 2009-08 Open Meetings Act as amended. Mr. Councilor Wismer seconded the motion.

Commissioner Stefanics said this allowed individuals of the board to participate and asked if it would also allow members of the public to call in and listen to board meetings.

Mr. Dwyer said it wasn't drafted for that reason and was a technological question more than a legal one. He said as long as everyone could be heard and identified he thought that would apply.

Commissioner Stefanics said she was familiar with other boards that had done that and asked if there was the capability to allow the public to call in or the resolution be limited to members of the board.

Ms. Romero said she understood the change was more for the accessibility of board members and said the public had the opportunity to come to meetings and she wasn't as concerned about the public.

Commissioner Stefanics asked what would be done if a member of the public called and said they wanted to hear what was going on and had no way to attend the board meeting.

Chair Herrera clarified the Commissioner wanted to know if someone from the public called in, what would be done.

Commissioner Stefanics agreed. She was fine with the resolution but wanted to know what would be done if a member of the public called in and wanted to hear the meeting.

Ms. Lucero said there would be a telephone number available. She said that led to another question and asked if the number would need to be made available there or only to the board member who couldn't make a meeting.

Mr. Dwyer said services wouldn't have to be extended to that level, and once the board went down that path the minimum standards had to be met. He said the phone would have to allow everyone to hear what was said and the listener would have to be able to hear everything that was said at the meeting.

Councilor Romero said she had attended meetings where there had been a disclaimer that covered

special needs and that satisfied their obligation to the public. She said the public had to give proper notice for that to happen.
Ms. Lucero said on that note; a sentence had been added that read what people should do if they needed accommodations.
Mr. Kelly said he was in the transportation business and could offer transportation to the meeting.
There was no further discussion on the motion.
The motion passed by unanimous voice vote.
e. Approval of FY 2011 Letters of Intent
Ms. Lucero said there was a standard letter of intent in the board packets. The letter notified the DOT of their intention to apply for funds that came through the DOT and that was done every year. The letter of intent showed their application would be for 5310-*for elderly and disabled funds*, 5311- *for rural operations* and 5316-*for programs applied for in the past.* She said the letter was due July 3 and after she signed the letter it would be sent to the DOT.
Mr. Sammy Pacheco from Taos County entered the meeting at this time.
Councilor Romero moved to approve the letter of intent. Councilor Wismer seconded the motion.
Commissioner Stefanics pointed out that the City of Santa Fe City and Santa Fe County were not on the list for the letter.
Ms. Lucero agreed to correct it.
Chair Herrera asked if the funding for those programs was for FY 2010-2011 and was told that it was. He asked if the funds were expected to be used for specific services for a specific group.
Ms. Lucero said funds for 5310-for the elderly and disabled were applied for and individuals from the tribal government would benefit and vans had been obtained for the Tribal Senior Program. The 5311- the Rural Transit Program provided transportation for populations less than 50,000 and 5316- the Job Access Program and Reverse Commute funds could be used as operating capital.
Chair Herrera said it sounded as though a specific route wouldn't have to be provided as long as current routes were available.
Ms. Lucero said the board applied for 5310 funds on behalf of the tribe and the funds went directly to the tribe. Two or three vans were purchased and the tribe would determine what the vans would be used for.

She said the 5311 funds were distributed district wide for rural transportation. The 5316 funds were specifically for job access and reverse commute mostly for northern New Mexico's low income people to get to and from jobs.
Commissioner Stefanics asked if there were any future opportunities for federal funds.
Ms. Lucero said that the RTD had applied for everything and the only thing that hadn't been identified was the tribal transit and the tribes applied for that with assistance from the RTD in the application.
Commissioner Stefanics asked if when funds were applied for on 5310, various governmental entities would have expressed their needs to her.
Ms. Lucero said they would and Santa Fe County was also eligible for the senior programs.
Mr. Valencia said for two years they had assisted with the awards and money had been reverted back from Pojoaque Pueblo and offered to another agency. He said Santa Fe ran out of time to coordinate the local match on that and he ran into one impediment because it was a city/county program and the funding and services were jurisdictional. He said this far in advance there would be an opportunity to receive those funds.
Commissioner Stefanics said there had been some joint city/county senior centers but were some separate centers now.
Ms. Lucero said there was to be a van for the El Dorado Senior Program and all the member governments would be contacted when the funds were applied for. She said if a district was in need of a vehicle she would be happy to apply for them.
The motion to approve the letter of intent passed by unanimous voice vote.
3. DISCUSSION ITEMS:
a. Finance and Personnel Subcommittee Report
Mr. Mortillaro said the subcommittee met on May 29th and reviewed a set of drafts of financial policies. After some comments they asked staff to return with a more comprehensive set of documents and to clarify additional issues that should be addressed. Staff was working on those and should have them by June 16.
They also dealt with the authorization for staff to enter into contract with a consulting firm for the preparation of the documentation and the committee's consideration.
b. Tribal Subcommittee Report

Mr. Valencia reported on the Tribal Subcommittee meeting of May 12. The first draft of a tribal transit stimulus grant was reviewed and submitted seven days before the due date. The application was on behalf of the five tribal entities of the district and the next meeting would be June 9 to deal with funding for both operations and capital. A draft proposal would be submitted prior to that meeting and the board would again take the opportunity to modify it for the five tribal entities and would be due June 29.
Mr. Pacheco asked the type of vehicles looked at.
Mr. Valencia said they were cutaway buses in the $50,000-$60,000 range with 12 passengers.
Mr. Pacheco noted the purchase would go through Tesuque Pueblo.
Mr. Valencia said the application had been made for four of the five and Tesuque Pueblo was the fiscal agent applicant.
Mr. Pacheco asked if the procurement would go through the GSA aspect, or sole source.
Mr. Valencia said there were a number of providers and the state contract or coalition was approved for a number of contracts. The vehicles were manufactured throughout the country and there were no manufacturers in New Mexico although there were representatives who were approved vendors, like Zia Bus Sales, Arizona Bus Sales, and National Bus Sales among a number of others.
Mr. Pacheco asked what vendor Tesuque Pueblo would use.
Mr. Valencia said a vendor hadn't been designated or awards made at that time and were waiting on the board to determine other vehicle needs and modify the budgetary amount.

c. Marketing Subcommittee Report

Mr. Valencia said the Marketing Subcommittee Meeting set their mission and goals with a $22,000 budget between now and the remainder of the federal fiscal year. As a result of work with the contractor, the budget was beyond what their means were and they had undertaken a direct marketing effort to expend $23,000. The result was before the Board- the 2009 spreadsheet that showed the target markets in that area with an emphasis on free fares as adopted by the resolution.
Commissioner Stefanics said in El Dorado she had specific requests for free advertising through their association newsletter and would ensure he received the contact for that. She asked if there had been any advertising in other areas like marquees, or small for-sale signs.
Mr. Valencia said with regard to signs, the answer was no. In the GRT election tribal entities had cooperated from their marquee boards and things of that nature within the $23,000 they had presently. One goal was to update and modify the route maps to have an informational insert in newspapers, specifically Taos and Rio Arriba County because that was where the majority of the buses ran and cable TV and radio would be done in coordination with the Rail Runner.

He said inserts with any mailings were done and the Commissioner of El Dorado had a water association that distributed a water bill. He said if there was anything members could provide he could coordinate that distribution.
Mr. Pacheco said he had received an e-mail from Taos that said they would start a paid bus service from Taos to Santa Fe. The second item in the email talked about the increase of the GRT and the resolution regarding the regional transit tax was attached to the e-mail and indicated the difference of what was collected by businesses now versus what would have to be collected July 1.
He asked if they had worked with the Chambers on the amount of a different GRT to be collected for July 1 in conjunction with the marketing. He said businesses should be alerted that a different GRT would need to be collected.
Mr. Valencia said an aspect was that free rides would be provided per the resolution being passed and an information release could be provided through the network with the Chamber of Commerce. In regard to the collection from businesses, the initial responsibility was the Tax and Revenue Department and each business had been notified. Certified copies of each of the counties' canvassed elections from the state had to be submitted to the Tax and Revenue Department and one reason was that Tax and Revenue had the responsibility to adjust the rates in the counties.
Mr. Pacheco said that the town of Taos and Red River had the highest GRT's in the state and they would be hopping mad and questions about the GRT had been asked. He would ask for more focus in the areas where the GRT was higher.
Mr. Valencia said he would be in the Taos area in a couple of weeks and would make courtesy calls and provide some informational distribution.
Chair Herrera said the previous evening information about a shuttle from Taos was on the news. The news said that was part of the funding made available through the November tax and he was uncertain if that was misquoted because the GRT funds would not be used for that particular route. He told Mr. Valencia he should follow up.
Commissioner Stefanics asked Mr. Valencia to send her some "talking points" she could use.

d. Regional Coordination and Consolidation Subcommittee Report

Ms. Lucero asked Ms. Trujillo to briefly describe the last meeting.
Ms. Trujillo said at the last meeting, May 15, the majority of the discussion was on the combination of Resolution 2009-10 - the implementation of plans and prioritization. They also discussed with John Bulthuis about obtaining prioritization. The next meeting was Friday June 19.

e. Executive Update

Ms. Lucero highlighted items in the report:
Patrick Nicholson was hired as a regional transit planner.
Purchases for three buses had been finalized.
50 bus benches were ordered for region wide.
She attended the rodeo and conference last month.
She worked extensively on information wanted by Santa Fe County for services that that would begin July 1.
A new route was started in April to Chimayo.
She met with Pojoaque Pueblo to provide an internal route.
She worked on the budgets.
She facilitated solution to the diesel problems with the new vehicles with the Ford dealership.
She continued to meet the implementation plan as they moved forward to the October implementation of new routes.
Subcommittee and staff meetings throughout the month; attended a lieutenant governor town hall on the stimulus package.
She met with Santa Clara with their lieutenant governor and staff on their service plan.
She had several meetings with Rio Arriba County on issues which would be discussed in closed session.
She went to Taos to discuss services and training.
She met with Steve Lujan on stimulus funding.
They received an approval on the environmental report on Rio Arriba County.
She met with DOT officials at a meeting on transit awards.
She was working on tribal grant submissions.
She attended RTA meetings.

f. NCRTD Ridership Report

Ms. Lucero said the Ridership Report showed an increase in March. April went down because of spring break for the schools.
Councilor Romero asked if the ridership was down because there were a lot of kids that rode buses and asked if there were numbers on that.
Ms. Trujillo said they served several schools, one in Pojoaque had one third students and when schools went on break they wouldn't always be at the same time.
Councilor Romero said when RTD supported Routes and Wings, a nonprofit, ridership for buses belonged to the districts. She asked if the RTD was adding to that.
Ms. Trujillo said that under the FTA guidelines they were prohibited from providing school bus service but part of the guidelines stated if the students were willing to come to the bus stop and get off at that bus stop, that hadn't constituted school bus transportation and federal funds weren't being used for private

enterprise.
She said parents brought their students to the bus stop and got on the route to Questa. She said other routes would do the same and *Demand Response* was open 24 hours a day for people who called 24 hours ahead of time. She said there were a lot of working parents and kids were picked up from OR and daycare and brought home because many of the kids had no transportation because of county lines.
Councilor Romero asked if that was advertised and said that could be free and encouraged that the advertising dollars be maximized by using websites and newsletters at Northern and Routes to Wings.
Ms. Trujillo said there had been guidance from the board to diminish the Demand Response and said it would be wonderful to promote with some of the other schools on the routes.
Demand Response was the most expensive form of transportation and the board had requested a year ago the rides be reduced because they were the majority of no-shows and cancellations and had become costly. She said in the past 18 months there had been new routes created to replace routes where Demand Response had been used and the routes had been very effective.

g. NCRTD Financial Report

Ms. Kaplan said a couple of things had changed and she had received questions on how to interpret the over/under columns. She tried to present that in a different way by adding explanatory footnotes.
Mr. Pacheco said a decision had been made that the local matches would be absorbed by some of the allocation dedicated by Los Alamos as well as the GRT's that had been collected.
Ms. Kaplan said it had been part of the budget discussion and was concluded the estimated local match was $920,000 regionally for the year and the board had agreed to the $880,000 from Los Alamos County and the $105,000 from the GRT match so entities wouldn't have to match from their pockets. As a consequence of that decision some of the service plan had to be delayed because some of that money would be used to make the local match and wouldn't be available for service expansion in the short term.
Chair Herrera asked how the negative balances of expenditures over revenue had resolved.
Ms. Kaplan said there were two parts: there were differences because their accounting was on a modified pool basis and the DOT billing was a cash basis. There were expenditures billed and not reimbursed because of the invoice date and some of the differences were because there was a time cycle.
Mr. Pacheco complimented the chairman of the Finance Committee, Mr. Mortillaro for his suggestions that Ms. Kaplan implemented. He asked for a copy on the policy of the reserve for policy on capital that Ms. Kaplan had been given by Mr. Mortillaro.
Mr. Mortillaro said it was a financial policy document from a transit district and he would pass that on.

h. Presentation NCRTD Accounts Payable Procedures

Ms. Kaplan said she was asked a lot of questions about process and had put together a packet to demonstrate the process. The first was the regulations for vendors and included a form for price quotes and was mostly a paper trail to be used for purchases.

The second was what to do when a PO was needed. She gave an overview of the information needed and said approvals were almost exclusively through Ms. Lucero. Once a PO was received a purchase order was created, the budget balance was checked and someone had to request and approve.

Payment vouchers had to have signature of receipt, a check for a PO, a request for payment would be made and approved and would be attached to the invoice.

For monthly reimbursement expenses for cell phones, mileage and emergency office supplies the forms would be filled in and receipts attached and three signatures required; the person who submitted the claim, the person who reviewed the claim and authorization of the supervisor of the reimbursed person.

Examples were provided of payment vouchers, purchase orders, copies of invoices and a reconsolidation would be done monthly.

Mr. Pacheco asked how oral quotes were reconciled with later documentation.

Ms. Kaplan said the form was rarely used for verbal quotes and never for vehicle or major pieces of equipment. Generally verbal quotes were used for minor contracts like office services or promotional products. She thought there should be a safeguard and was open to advice.

Chair Herrera suggested the approval of the agenda be reconsidered. He said the copy in the packet that had been approved omitted the retreat. He asked that the board go back to the approval of the agenda to approve the modification and insert the retreat. The rest would be taken care of in closed session in the walk-through.

Ms. Lucero said on the three-page agenda an item had been added for the recognition of Commissioner Gonzales. She said item four was missing and that was where the retreat should have been inserted. She said they would also ask modification to the retreat prior to the closed session.

Mr. Dwyer said this was a motion just for clarification of the approved agenda.

Commissioner Stefanics said she had approved the version of the agenda she had printed, which had included the retreat.

Mr. Dwyer said as long as the record reflected the agenda was approved with that item there wasn't a problem.

Chair Herrera said a motion was needed to move the retreat-item four to after Item h. where the meeting was at the current time.

Councilor Romero said she wouldn't be there for the retreat though she had planned to be there for the closed session. She asked if there would still be enough votes for anything decided during the discussion and thought it was important for Rio Arriba to be there for that discussion.
Chair Herrera said he would leave the retreat as item four and go into executive session to take care of the rest.
There was a discussion about voting members and Chair Herrera said they should ensure there would be a quorum regarding the elected and appointed officials for the executive session.
Mr. Dwyer said there could be a closed session discussion with no action taken.
Chair Herrera said item four would be left the same and the board would move on to the presentation of the proposed new transit facility.

Presentation of Proposed New Transit Facility

Ms. Lucero said she had attended meetings with Rio Arriba County and Mr. Guillen would discuss what had taken place.
Mr. Guillen said he met with the County of Rio Arriba and other entities in the development of a joint use of property acquired from the Bureau of Land Management.
He said the second page of the Master Plan of Property showed 17 acres had been dedicated for use by the NCRTD and the NCSWA (North Central Solid Waste Authority.) The overall development would include schools non-denominational cemeteries and economic development sites and requirements for on-site for electric, water, and storm runoff would be determined. The County of Rio Arriba had secured services to gather the information on that.
He said in May of 2007 Mr. Valencia had prepared an application for 2 1/2 million dollars for the construction of the facility and had a floor plan drawn up and the information was turned over to Sauder Miller and Associates. The major concern was to obtain a permit for wastewater treatment of the site and Rio Arriba looked at a couple of package plants and options for use of gray water, etc. The application could take a year before the draft permit and was a hurdle.
Councilor Romero asked what the NCSWA had proposed for the site.
Mr. Guillen said a transfer station, not a landfill was proposed and the operation would be in an enclosed building and solid waste would be shipped.
Chair Herrera said that two public hearings had been conducted in order for people to understand what had happened at the transfer station and there had been low participation. There was still a question where the transfer station would go.

Councilor Romero said the issue of where solid waste would go was a touchy issue and people didn't understand the difference between a landfill and a transfer station. She said Rio Arriba County wanted to work with Santa Fe County and took their solid waste to Rio Rancho.
Mr. Kelly asked if the maintenance facility would be strictly for transit or part of a complex service for other vehicles in the county.
Mr. Guillen said a six bay garage would provide three for Rio Arriba and three for NCRTD and the NCSWA would be there with their mechanics for their vehicles.
Mr. Kelly said the FTA approved that kind of collaboration.
Mr. Mortillaro asked if the administration building would be there as well and the kind of arrangements made in terms of costs for the shared facility.
Mr. Guillen said administration would be there and the costs would be the responsibility of the occupant of that portion of the building occupied; utilities would be on a separate meter for the square feet.
Mr. Valencia said they were encouraged to begin to assemble the agreements to lay out the obligations and the ongoing maintenance and utility costs would be defined as they moved forward.
Mr. Mortillaro asked Mr. Valencia if he anticipated that before the board met again.
Mr. Valencia said he had hoped it would be. He said the driving force was the $2 million that had been awarded from the DOT stimulus allocation and as a result of the application they could receive approximately two and a half million dollars. He said the time frame drove the immediate necessity and compliance had to be met with all of the approvals and timelines for the project to move forward.
He said the environmental exclusions had been received for the parcel and there was the work done by Sauder Miller. He said schools would have a 400 foot buffer on the Park and Ride and they were looking at the parking lot being shared and the maintenance facility and administrative offices would be shared.
Council Romero said she was concerned that the recreational facility was built in the middle of nowhere.
Mr. Mortillaro said the area had water issues and he wasn't sure if that had been considered in a large facility. He said Los Alamos was funding a study for Jal Cade` Basin and he was concerned.
Mr. Pacheco asked if other agencies would be depended on for construction. He said the RTD would fund their portion through federal dollars and asked if there had been a commitment from the others that ensured they had funds for their part.
Chair Herrera said Rio Arriba County had money committed to the project and the Solid Waste Authority side of it would be money made available from the Mortgage Finance Authority and bonds and gross receipts tax from the city and county would be committed. He said three sites were being considered

and the funding from the entities was available.
Mr. Pacheco asked since the funding was federal dollars and required certain specifications in bids, if there had been a discussion with other entities of their portion of that.
Mr. Valencia said he had worked with FTA in Dallas in conjunction for the right-of-way and had talked with legal and engineers and the FTA had looked favorably on joint use facilities. He said there were a variety of timelines and the DOT had assisted him and they were compliant with all necessary regulatory components. He said there was an overlay of three different timelines: one for components, for potential construction build out, and their timeline to ensure they could partner with the entities.
Ms. Lucero said she didn't think Rio Arriba County realized all that would be required.
Mr. Pacheco asked if NCRTD would proceed with their component regardless of what Rio Arriba County would do.
Mr. Valencia said the board would decide that.
Council Romero said Rio Arriba's groundwater contamination problems were also being addressed and said that was a serious problem and the project would help to alleviate that.
Mr. Guillen thought the water for the site would be provided by the Alcalde Mutual Domestic Water Association.
Council Romero said that was groundwater and was the problem.
Chair Herrera said the public part of the facility had been covered. He said it was appropriate to request the board go into executive session to discuss the acquisition of real property which fell under the exception of the Open Meetings Act.

j. Closed Session: Acquisition of Real Property

Mr. Mortillaro moved to go into closed session for the purpose of limited discussion of the purchase, acquisition or disposal of real property pursuant to section 10-15-1H(8) of the New Mexico statute. Commissioner Stefanics seconded the motion. The motion passed on a roll call vote with the City of Espanola, Los Alamos County, Ohkay Owingeh, City of Santa Fe, County of Santa Fe and Taos County voting in favor and none voting against.

The Board went into closed session at approximately 11:50 a. m.

At the conclusion of the closed session, the Board returned to open session at approximately 1:00 p.m.
Chairman Herrera announced that no actions were taken in closed session and the only matters

discussed were those pertaining to the acquisition of real property pursuant to Section 10-15-1.H(8).

k. Action: Acquisition of Real Property

4. RETREAT

Mr. Carl Moore said he would present two documents for their consideration; a set of ground rules and proposed performance measures that the organization had baseline information on. (Exhibit 1)

Commissioner Stefanics said for the record that a lot of work had been done on that and there were only four entities and staff. She said if anything was embraced it would be a minority.

Mr. Moore said what was done would be advisory and at an official board meeting the documents could be voted on. He said there was still an issue because there was less ownership of people who weren't part of that conversation. He said before the first retreat everyone had been interviewed about what the retreat should address.

He said the first retreat had a fabulous discussion on the roles of board members, the staff members and the executive director. And some preliminary ideas for a vision statement had been set in motion and subsequently approved. He said that was the genesis for the document because the categories that needed clarification had been taken.

The bylaws had been looked at for direction, and what had been done by other transportation and nonprofit boards and then it was returned to the board with draft two.

He said draft three had items that were not changed from the first two drafts and some new ideas and he would focus on the parts that had changed.

Mr. Moore said on page 2 under the Role of the Board had a language change; originally it said "approved service plan" and would now say "approved coordinated service plan."

On page 4 under Communications: he read "the board packet includes a written report for each item……." and there was no direction.

He read the next section "any board member can suggest an agenda item by..." and Ms. Kaplan pointed out he had missed an item.

He read the item "it is the responsibility of board members to keep their constituents current…"

Ms. Lucero asked if a written report had to be done for each item on the agenda.

Mr. Moore said that would be in the packet in preparation for a meeting.

Commissioner Stefanics said, for example, if there is an action item the recommendation from staff would be in written format and would be on top and then the supporting materials would be behind that.
Mr. Mortillaro said to clarify, only those things that required board approval for action items would be required to have a background report and he thought that the City and County of Santa Fe could provide examples of reports that would accompany an action item.
Ms. Lucero said this wouldn't take effect until the following month.
Mr. Dwyer said the item previously about the role the board would play in building the agenda- the spirit was so the board wouldn't change the agenda at the last minute.
Mr. Pacheco read the bottom of page 4, "if the chair, vice chair, secretary-treasurer and executive director decide an agenda item wasn't suitable" and asked if that meant that all four people had to make that decision.
Ms. Lawrence said that referred to the two above that referred to the agenda being set by that committee and wasn't sure if that was from the bylaws or the existing practice.
Ms. Lucero said it was neither and the only one who helped her approve the agenda was the Chair and the attorney.
Ms. Lawrence said it should be re-phrased that current practice was "*set by the chair, executive director and legal counsel."*
Mr. Dwyer said he would never set an agenda he would just be consulted.
Commissioner Stefanics said she remembered that anyone could submit an item and the officers of the board could set the agenda.
Chair Herrera said he thought that was correct and that too much authority had been placed on the executive director and the chair and the object had been to open that to the officers of the board.
Mr. Moore said this rule wouldn't be used frequently; it was only to say an item wouldn't be on the agenda.
Mr. Dwyer said there was a legal concern that if there were enough votes to form a quorum among the four people, it would violate the Open Meetings Act.
Commissioner Stefanics said the last sentence *"they would decide whether each agenda item goes to the committee or the full board"* was appropriate rather than reject something.
Mr. Dwyer said most often the executive director met with the chair to decide. He would suggest there should be a mechanism in case there was an individual member that felt they were unfairly turned away.

Commissioner Stefanics said there were resolutions that had been voted on that hadn't been vetted and a question about how that came to be on the agenda.
Mr. Dwyer suggested in those rules, the board would continually rely on the chair and executive director and give any member the right to insist something be put on the agenda in a subsequent meeting.
Mr. Moore said that was in the third box.
Ms. Lawrence said the one below could be removed.
Mr. Moore asked if in the fifth box the board wanted to say "The agenda would be set by the chair and the executive director and they would decide if each agenda item went to a committee or the full board" or the *whole executive committee*.
Mr. Dwyer said he wasn't sure how that could be done because everyone would have to be on the phone at once.
Commissioner Stefanics said this had been discussed and the board made a specific request.
Mr. Dwyer suggested "for" instead of *and;* the aggregation of too many votes in one place was the problem.
Ms. Lucero said she would feel comfortable with "a board member could request in a meeting an agenda item at the next board meeting." She said if there were a lot of varied requests in a short time before a meeting that could be crazy and the board standard practice was 7 days before each regular meeting.
Mr. Dwyer said that would be 15 days to *request* an item on the agenda and 10 days to decide if the item would be on the agenda.
Commissioner Stefanics asked if they didn't have to advertise the agenda 10 days prior to the meeting.
Mr. Dwyer said the Open Meetings Act required what the meeting was about to be published 72 hours prior to the meeting but an agenda was not a requirement in the Act. He said the board could set and change its agenda as long as nothing was added that no one knew was going to be discussed.
He said from a pragmatic standpoint, to organize and photocopy packets required additional time and usually pushed the time more than 72 hours.
Mr. Moore asked if it would be too narrow if he said "the agenda was set by the chair in consultation with vice chair etc. etc. and/or the executive secretary."
Mr. Dwyer said as their legal counsel he would advise they should be careful.
Mr. Moore said the agenda would be set at the chair in consultation with the vice chair, secretary-

treasurer, and/or the executive director and it would be at the chair's discretion who they would consult with.
Mr. Mortillaro said it sounded as though the executive director wasn't included in the agenda setting and he thought they had to be.
Mr. Moore said he would say “the agenda could be set by the chair and the executive director in consultation…”
Mr. Mortillaro said the statement was for the purpose of who would decide an item wouldn't be placed on the agenda and if that was determined they would then have to consult with the vice chair and the attorney. He said it was a very restrictive application.
Mr. Moore said the language that had been agreed on in box 5 would be the same language used in box 7, and he read the statement. He said if they decided an item wasn't suitable for the agenda they would respond to the board member and explain why.
Mr. Mortillaro said a board member who had been told something wasn't appropriate for the agenda could still bring that item up at a board meeting.
Mr. Moore said yes, it could still be brought up.
Chair Herrera said part of that point was that the member would be afforded an opportunity to have the full board concurrence.
Mr. Moore said that would protect the person from getting on an agenda item no one else wanted or agreed to.
Mr. Dwyer said that was the purpose of a motion being seconded; to show more than one person had interest.
Mr. Moore said on the top of page 5, box 2 rather than keep that a separate item he would put that under the Role of the Executive Director.
He read the current subcommittee list and read about the appointment of committee members and said the executive director was an ex officio member of each subcommittee unless indicated by the bylaws or the board.
Mr. Dwyer said if the term ex officio was used it meant they would be a non-voting member.
Chair Herrera asked what condition the chair would consider the appointment of an individual to a subcommittee that established policy for the board who wasn’t a member of the board.
Mr. Moore said there was, at times a person with special expertise and the board wanted their knowledge.

Commissioner Stefanics asked if there were as an example of any non-board members on the tribal subcommittee.
Mr. Guillen said anyone could attend a board meeting or subcommittee meeting and provide testimony and their expertise.
Mr. Dwyer said the focus was on who could vote.
Ms. Lucero said that would mean only board members.
Mr. Dwyer said it could be whatever the board wished; or could be a hybrid in the sense that there could be two tiers of board members. He said it wasn't appropriate for staff to vote because they made the recommendations.
Mr. Moore read the statement of appointed members and subcommittee members for clarification.
Mr. Pacheco said if the chairman appointed members to a subcommittee, which he had the right to do, they wouldn't have had the benefit of the discussions. He said that clause should be stricken.
And if a consultant was invited, the consultant should be invited to give advice as a consultant. He said the safeguard of an ex officio member wasn't enough and shouldn't have any business as a subcommittee member.
Commissioner Stefanics said she mentioned Commissioner Harry Montoya had several tribes in his district and was interested in what was happening at the meetings and had tried to open the door so he would be welcome to attend.
Chair Herrera said he liked the approach that anyone could show up to a meeting and said that was difficult to put that expectation on the chair. He said someone could ask the chair to make them an ex officio member and asked if that would open the door.
Mr. Dwyer said there were three tiers at an open meeting: the top tier was voting members. The next tier was those people entitled to participate but not vote that included staff and ex officio members. The third tier included the public who were entitled to attend but not speak.
He said a period of time for public comment could be given in order to control someone from the public who wanted to take over the meeting and would regulate their speech.
Mr. Moore wanted to know if the group preferred to say individuals who were not members of the board could be included or these were public meetings and public comment could be made available.
Mr. Pacheco preferred the latter, that all subcommittees would be required to provide a place for public comment. He thought it would be too wide to allow in those who were not members of board.

Ms. Kaplan asked if public comment would be required or could the board say *may include*.
Mr. Dwyer said that it was the public policy to have a public comment portion however that was not required. He asked if they anticipated drafting rules for this board for the subcommittees. He said most boards used Robert's Rules of Order or internal procedures for themselves and subcommittees; if rules were going to be done that issue could be left for the rules.
Mr. Moore said he would try alternative language-it could be left as it was and add language that non board members could serve as ex officio members or the alternative that subcommittee meetings were public meetings and must include time for public comment.
Ms. Lucero said and the chairman would appoint members.
Mr. Moore said too, if they wanted to keep the knowledge of the ex board members around.
Mr. Dwyer said some boards would intentionally choose members for committees of non-elected officials they would intentionally pick members with expertise and could be the board reflected that.
Mr. Guillen suggested *some committee members be appointed by the chairman, and the committee members must be members of the board*.
Mr. Moore asked if they said *subcommittee members are pointed by the chair. And the executive director was an ex officio member of each subcommittee unless designated otherwise by the bylaws* would that work for everyone.
Box 2 on page 6 Mr. Moore read the statement. He said there hadn't been anything on the committees and Mr. Mortillaro had provided some things.
Mr. Mortillaro said on the second sentence, "reasonable notice as determined by the board" seemed to be confusing because it talked about subcommittee meetings and the reasonable notice by the *board.*
Suggestions were made for other wording and Mr. Dwyer said the board made a decision annually as to what "reasonable notice" was safer to treat all subcommittee and committee meetings as covered under the Open Meetings Act Resolution would be applied regardless of if said or not.
He said the Resolution had to be adopted annually.
Mr. Moore said the rest of the document had no changes proposed. He said the second document (exhibit 2) was a list of what other transportation boards used and he had talked with staff about what was currently done and initially available. He some of the suggestions were from when Ms. Lawrence met with them and he asked the board to tell him if anything was missing. He said this would be a good start on the direction of the performance measure.
Current and Potential Performance Measures:

Mr. Mortillaro said the data was good to know about their own system but would be desirable if the system could be compared with other peer systems.
Mr. Moore said on the bottom of page 2 were some general questions of how the group would like the information done: by route, if the group wanted this quarterly or semi-annually and if the group wanted the compared data and said he had just made the case for that.
Ms. Kaplan said other industry standards would be very helpful if available in that type of area and comparable to the board.
Mr. Moore said he would add language regarding industry standards.

5. MATTERS FROM THE ATTORNEY

There were no matters from the attorney.

6. MISCELLANEOUS

There were no miscellaneous items.

7. NEXT BOARD MEETING: FRIDAY, July 10, 2009

8. ADJOURN

Commissioner Stefanics moved to adjourn the meeting. Mr. Mortillaro seconded the motion and the motion passed by unanimous voice vote.

The meeting was adjourned at approximately 2:05 p.m.

Approved by:

Alfred Herrera, Chairman

Attest:

Michael Wismer, Secretary/Treasurer